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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR DSLA  
12 MORTGAGE LOAN TRUST MORTGAGE  
LOAN PASS-THROUGH CERTIFICATES,  
13 SERIES 2006-AR2,

14 Plaintiff,

15 vs.

16 SFR INVESTMENTS POOL 1, LLC, a  
Nevada Limited Liability Company; and  
17 DAYBREAK GARDENS PROPERTY  
OWNERS ASSOCIATION,

18 Defendants.

19  
20 SFR INVESTMENTS POOL 1, LLC,

21 Counter/Cross Claimant,

22 vs.

23 DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR DSLA  
MORTGAGE LOAN TRUST MORTGAGE  
24 LOAN PASS-THROUGH CERTIFICATES,  
SERIES 2006-AR2; WILLIAM B. PARKER,  
25 an individual; CYNTHIA M. PARKER, an  
individual,

26 Counter/Cross Defendants.

Case No. 2:16-cv-02735-RFB-CWH

**STIPULATION AND [PROPOSED]  
ORDER TO STAY LITIGATION  
PENDING FINAL RESOLUTION OF  
PETITION(S) FOR WRIT OF  
CERTIORARI TO UNITED STATES  
SUPREME COURT**

27  
28 Defendant/Counterclaimant/Cross-Claimant, SFR INVESTMENTS POOL 1, LLC

1 (“SFR”), Defendant DAYBREAK GARDENS PROPWERS OWNERS ASSOCIATON  
2 (“Association”) and Plaintiff/Counter-Defendant, DEUTSCHE BANK NATIONAL TRUST  
3 COMPANY, as Trustee for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS  
4 TRUSTEE FOR DSLA MORTGAGE LOAN TRUST MORTGAGE LOAN PASS-THROUGH  
5 CERTIFICATES, SERIES 2006-AR2 (“Deutsche”), by and through their respective undersigned  
6 counsel of record, hereby stipulate as follows:

- 7 1. This lawsuit involves the parties seeking quiet title/declaratory relief and other claims  
8 related to a non-judicial homeowner’s foreclosure sale conducted on a Property pursuant  
9 to NRS Chapter 116.
- 10 2. On August 12, 2016, the Ninth Circuit issued its decision in *Bourne Valley Court Tr. v.*  
11 *Wells Fargo Bank, N.A.*, 832 F.3d 1154, 1159-60 (9th Cir. 2016) holding that NRS Chapter  
12 116 is facially unconstitutional.
- 13 3. On January 26, 2017, the Nevada Supreme Court issued its decision in *Saticoy Bay LLC*  
14 *Series 350 Durango 104 v. Wells Fargo Home Mortgage, a Div. of Wells Fargo Bank,*  
15 *N.A.*, 133 Nev. Adv. Op. 5, \_\_\_ P.3d \_\_\_, 2017 WL 398426 (Nev. Jan. 26, 2017), holding,  
16 in direct contrast to *Bourne Valley*, that no state action supported a challenge under the Due  
17 Process Clause of the United States Constitution.
- 18 4. The parties dispute whether the *Saticoy Bay* decision by the Nevada Supreme Court  
19 conflicts directly with Ninth Circuit’s ruling in *Bourne Valley*, making the issue appropriate  
20 for consideration by the United States Supreme Court. *See* Sup. Ct. Rule 10(a) & (b)  
21 (noting that the High Court will consider review when “a United States court of appeals  
22 has . . . decided an important federal question in a way that conflicts with a decision by a  
23 state court of last resort \* \* \* [or] a state court of last resort has decided an important federal  
24 question in a way that conflicts with the decision of . . . a United States court of appeals.”)
- 25 5. Bourne Valley Court Trust is seeking review of the Ninth Circuit’s *Bourne Valley* decision  
26 by the United States Supreme Court. Bourne Valley Court Trust filed its petition for writ  
27 of certiorari with the United States Supreme Court on April 3, 2017. *See Bourne Valley*  
28 *Court Trust v. Wells Fargo Bank, NA.*, United States Supreme Court Case No. 16-1208.

- 1 6. Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, N.A. (“Wells Fargo”) is  
2 seeking review of the Nevada Supreme Court’s *Saticoy Bay* decision by the United States  
3 Supreme Court. Wells Fargo’s deadline to file a petition for writ of certiorari is April 26,  
4 2017.
- 5 7. On February 8, 2017, the Nevada Supreme Court in *Saticoy Bay* granted a stay of remittitur  
6 to June 21, 2017 to permit Wells Fargo to file a petition for writ of certiorari with the United  
7 States Supreme Court, and if a petition is filed, the stay of the remittitur will remain in  
8 effect until final disposition of the certiorari proceedings before the United States Supreme  
9 Court.
- 10 8. On April 6, 2017, Deutsche filed a Motion for Judgment on the Pleadings, or in the  
11 Alternative, Motion for Summary Judgment. [ECF No. 29]. A Scheduling Order has not  
12 yet issued.
- 13 9. The parties believe that the stay requested herein is appropriate.
- 14 10. The parties agree that all proceedings in the instant case, including responses to the motion  
15 for judgment on the pleadings and any other motions, hearings and other litigation  
16 deadlines, are stayed pending final resolution of the *Bourne Valley* and/or *Saticoy Bay*  
17 certiorari proceedings before the United States Supreme Court.
- 18 11. SFR shall be required to keep current on all property taxes and assessments, HOA dues, to  
19 maintain the property and to maintain insurance on the property at issue. SFR shall also  
20 be required to provide proof of payment and insurance upon reasonable notice to counsel  
21 for Wells Fargo.
- 22 12. SFR shall be prohibited from selling or encumbering the property unless otherwise ordered  
23 by the Court.
- 24 13. Deutsche is prohibited from taking any action to enforce the subject deed of trust against  
25 the property unless otherwise ordered by the Court.

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1 Any party may file a written motion to lift stay at any time for either party determines it  
2 appropriate, and either party may file an opposition to the motion within fourteen (14) calendar  
3 days after the written motion is filed with the Court.

4 DATED this 18th day of April, 2017.

5 **KIM GILBERT EBRON**

6 /s/Jacqueline A. Gilbert

7 Jacqueline A. Gilbert, Esq.  
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DATED this 18th day of April, 2017.

**WRIGHT, FINLAY & ZAK, LLP**

/s/Natalie C. Lehman

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Certificates, Series 2006-AR2*

DATED this 18th day of April, 2017.

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/s/Robert S. Larsen

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Owners Association*

**IT IS SO ORDERED.**



RICHARD F. BOULWARE, II  
United States District Judge

DATED: April 21, 2017.